

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL HAWK,
Plaintiff

No. 3:18cv1768

(Judge Munley)

v.

FEDERAL BUREAU OF PRISONS, et
al.,
Defendants

ORDER

AND NOW, to wit, this 16th day of September 2019, we have before us for disposition Magistrate Judge William Arbuckle's report and recommendation (Doc. 49), which proposes that defendants' motion to dismiss (Doc. 24) be granted.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The magistrate judge's report and recommendation (Doc. 49) is **ADOPTED**;

2) The defendants' motion to dismiss (Doc. 24) is **GRANTED**;

3) Counts I and II of plaintiff's amended complaint are **DISMISSED AS MOOT**;

4) Count III of plaintiff's amended complaint is **DISMISSED**; and

5) The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:



JUDGE JAMES M. MUNLEY
United States District Court